



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General
900 East Main Street
Richmond, Virginia 23219

June 22, 2010

Mr. Charles S. Reed
Associate Director, Office of Health Benefits
Department of Human Resource Management
101 N.14th Street, 13th Floor
Richmond, VA 23219

Re: Proposed Amendments to Regulations Defining Dependents for Purposes
of Health Coverage (1VAC55-20-20 and -320)

Dear Mr. Reed:

I have reviewed the Department of Human Resource Management's proposed regulations (1VAC55-20-20 and -320), which would redefine "dependents" for purposes of health coverage for participants in the Department's health plans for public employees and their dependents. The amendments are legally necessary to conform to the requirements of the federal Patient Protection and Affordable Care Act passed by Congress in March of this year (PL 111-148).

I understand that these proposed amendments are being submitted as exempt under the Administrative Process Act pursuant to Va. Code § 2.2-4006 A(4)(c) I am of the opinion that the proposed regulations are within the statutory authority of the Department of Human Resource Management under Va. Code §§ 2.2-1204 and 2.2-2818, and, further, that they are exempt from the operation of the Administrative Process Act..

Sincerely yours,

Guy W. Horsley, Jr.
Special Assistant Attorney General